

# Staff Report 31

**APPLICANT:**

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City of Stockton

**PROPOSED ACTION:**

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Issuance of General Lease – Public Agency Use.

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in Fourteen Mile Slough, Stockton, San Joaquin County (as shown in Figure 1).

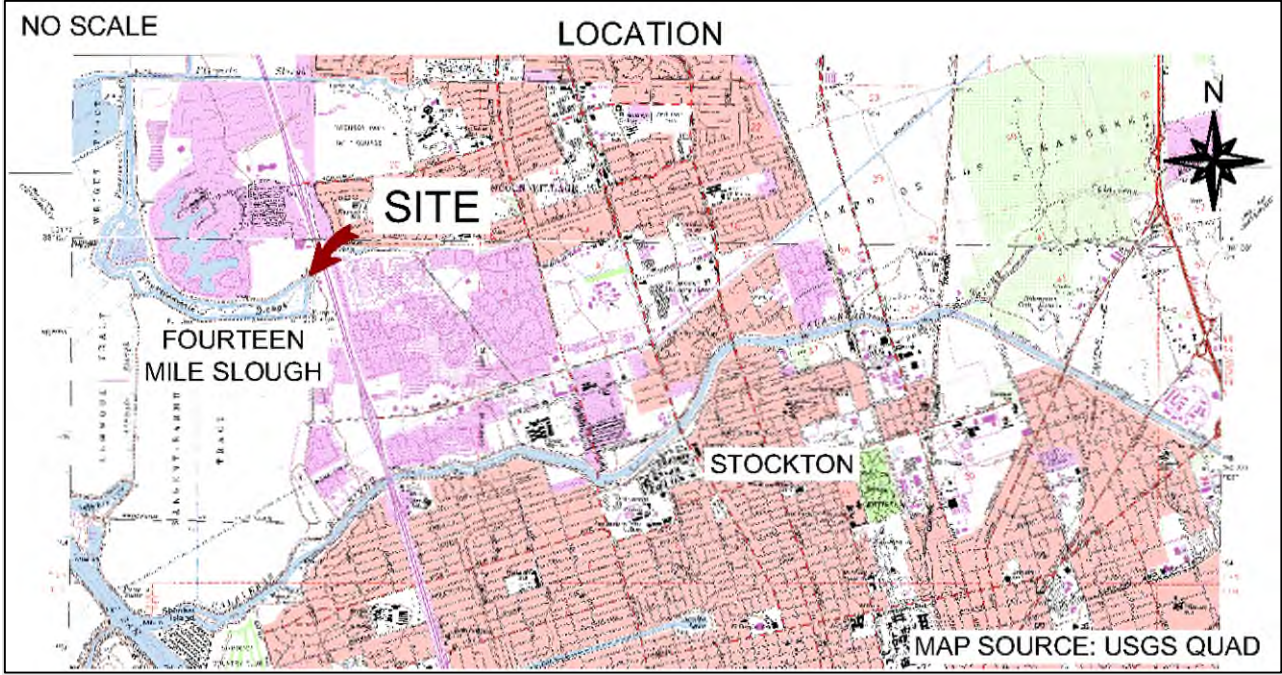
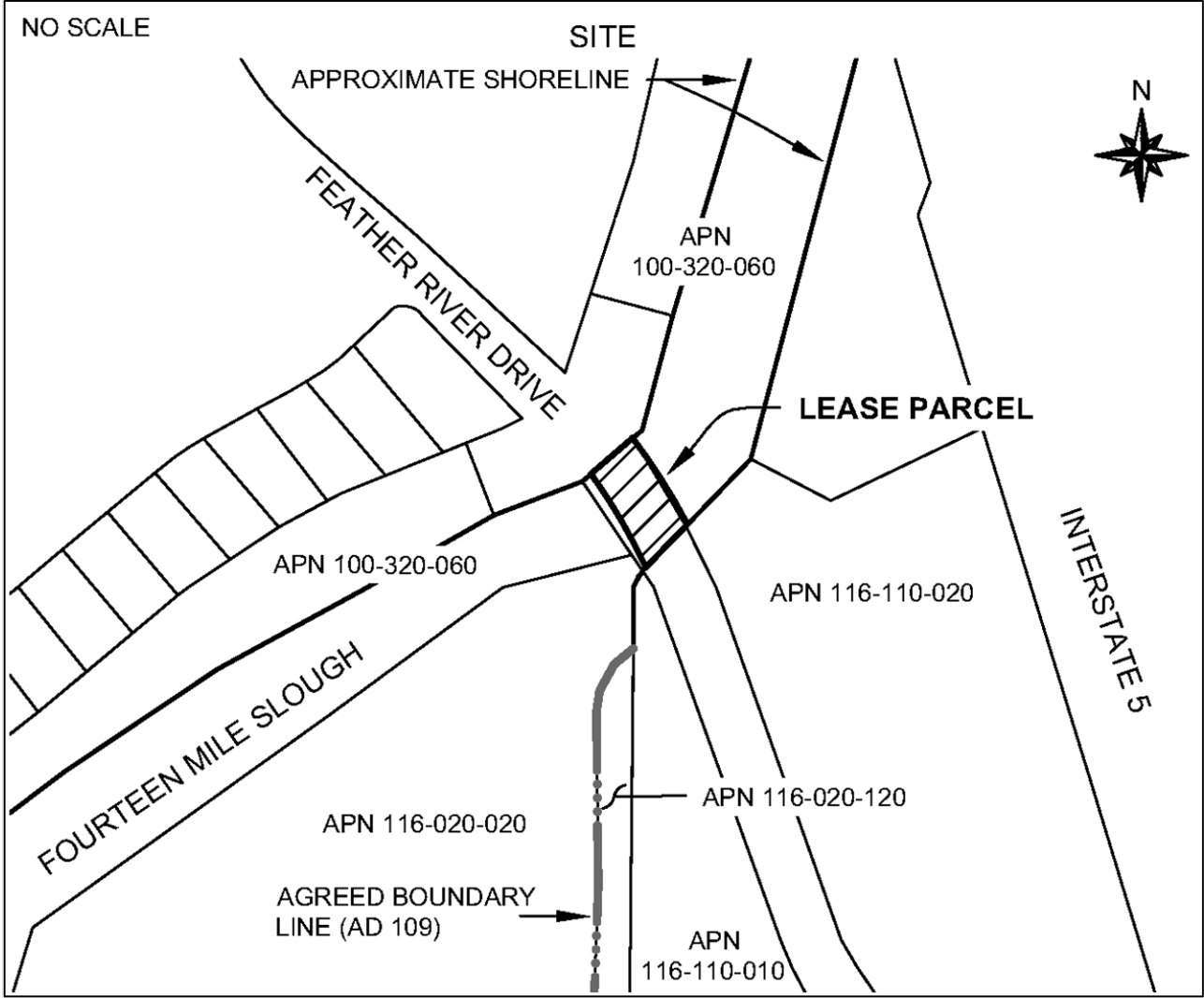


Figure 1. Location

**AUTHORIZED USE:**

Use of an existing bridge (as shown in Figure 2).

**Figure 2. Site Map**



NOTE: This depiction of the lease premises is based on unverified information provided by the Applicant or other parties and is not a waiver or limitation of any State interest in the subject or any other property.

**TERM:**

20 years, beginning August 15, 2024.

**CONSIDERATION:**

The public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State’s best interests.

**SPECIFIC LEASE PROVISIONS:**

- Lessee shall indemnify, hold harmless, and, at the option of Lessor, defend Lessor from all damages, injuries, or claims arising from the maintenance, or operation of Lessee’s facilities on State land, including any attached, suspended, or otherwise fixed to the improvements. Further, Lessee shall indemnify the State for the period of occupation prior to August 15, 2024.
- Lessee shall not place, attach, or authorize placement or attachment of any utilities or other improvements on the Bridge or within the Lease Premises without the Commission’s prior review and approval. Separate leases or subleases are required and shall be obtained for all utilities not operated by the Lessee.
- Lessee, or its qualified contractor, shall conduct an external inspection and condition assessment of the Lease Improvements at least once every two years, performed by a licensed engineer.

**STAFF ANALYSIS AND RECOMMENDATION:**

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**AUTHORITY:**

Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

**PUBLIC TRUST AND STATE’S BEST INTERESTS:**

On March 2, 1992, the Commission authorized a 30-year General Lease – Public Agency Use to the City of Stockton (City), for construction and use of a vehicular/ bicycle/pedestrian bridge ([Item 7, March 2, 1992](#)). The lease expired March 1, 2022.

Construction of the subject bridge was completed in 1992, and is 110.9 meters in length by 15.8 meters in width. The City is now applying for a General Lease – Public Agency Use, for the use of the vehicular, bicycle, and pedestrian bridge crossing Fourteen Mile Slough.

The bridge provides access and transportation across Fourteen Mile Slough for vehicles, bicycles and pedestrians and direct access to a fire station. The bridge is a concrete slab design and helps to alleviate local traffic as an alternative to Interstate 5. The bridge has an average daily traffic rate of 8,300 vehicles per day. There is a 1.5-meter-wide sidewalk for pedestrian traffic on each side of the roadway. There are no parallel structures crossing the river in the areas adjacent to the bridge. The bridge is inspected regularly by the City and no significant defects

have been found. The proposed lease would require the City to maintain the bridge during the term of the lease, reducing its potential liability to the State. The proposed lease will not substantially interfere with Public Trust uses in this area.

The proposed lease does not alienate the State’s fee simple interest or permanently impair public rights. The lease is limited to a 20-year term, does not grant the lessee exclusive rights to the lease premises, and reserves an easement for Public Trust consistent uses. Upon termination of the lease, the lessee may be required to remove all improvements from State land and restore the lease premises to their original condition.

The proposed lease requires the lessee to indemnify the State for any liability incurred as a result of the lessee’s activities thereon.

**CLIMATE CHANGE:**

Climate change impacts, including sea level rise, more frequent and intense storm events, and increased flooding and erosion, affect both open coastal areas and inland waterways in California. The facilities are located on Fourteen Mile Slough in a tidally influenced site vulnerable to flooding at current sea levels and at a higher risk of flood exposure given projected scenarios of sea level rise.

The California Ocean Protection Council updated the *State of California Sea-Level Rise Guidance* in 2018 to provide a synthesis of the best available science on sea level rise projections and rates. Commission staff evaluated the “high emissions,” “medium-high risk aversion” scenario to apply a conservative approach based on both current emission trajectories and the lease location and structures. The San Francisco tide gauge was used for the projected sea level rise scenario for the region as listed in Table 1.

**Table 1. Projected Sea Level Rise for San Francisco**

Year	Projection (feet)
2030	0.8
2040	1.3
2050	1.9
2100	6.9

Source: Table 13, [State of California Sea-Level Rise Guidance: 2018 Update](#)

Note: Projections are with respect to a 1991 to 2009 baseline.

This effect could increase Fourteen Mile Slough’s inundation levels within the lease area. According to the Delta Stewardship Council’s 2021 climate change

vulnerability analysis, [Delta Adapts: Creating a Climate Resilient Future](#), the southern Delta, where this bridge is located, will be the most susceptible to an increase in tidal range from one foot of sea level rise. The daily tidal range conditions in this part of the Delta will increase by 20 percent for one foot of sea level rise. In addition, as stated in the [Safeguarding California Plan: 2018 Update](#) (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, fire, drought, extreme heat, and storms (especially when coupled with sea level rise).

In rivers, creeks, and tidally influenced waterways, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris as well as decreased bank stability and structure. The Delta Stewardship Council's vulnerability assessment estimates the inflows of 100-year flood events may increase 44 percent by mid-century and 77 percent by the end of the century, and may be higher for areas near the San Joaquin River where the lease is located. These events are projected to become increasingly concentrated in winter months, notably January and February, when king tides typically occur. Since the lease area is influenced by tides and riverine flows, the Delta Stewardship Council report identified the area as being especially susceptible to flooding from a combination of sea level rise and increases in riverine flows, particularly during king tide events. By 2050, 100-year flood events near the San Joaquin River are projected to flood 236 square miles, up from the present-day estimate of 75 square miles. Conversely, climate change induced droughts could decrease river levels and flow for extended periods of time. Climate change and sea level rise will further influence riverine areas by changing erosion and sedimentation rates. Flooding and storm flow, as well as runoff, will likely increase scour and decrease bank stability at a faster rate.

The combination of these projected conditions during the lease term could increase the likelihood of damage to the supporting structure of the bridge over Fourteen Mile Slough. The bridge is approximately 15 feet above the ordinary high-water mark, and so would be unlikely to be affected by sea level rise; however, the pilings may need reinforcement to withstand higher levels of flood exposure and more frequent storm events. Reinforcement of improvements would require additional Commission approval and may require environmental analysis and permitting.

Regular monitoring and maintenance, as referenced in the lease, may reduce the likelihood of severe structural degradation or dislodgement. Pursuant to the proposed lease, the Applicant acknowledges that the lease premises and

adjacent upland are in an area that may be subject to the effects of climate change, including sea level rise.

**CONCLUSION:**

For all the reasons above, staff believes the issuance of the proposed lease will not substantially interfere with the Public Trust needs and values at this location, at this time, and for the term of the proposed lease; and is in the best interests of the State.

**OTHER PERTINENT INFORMATION:**

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1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. If the Commission does not authorize the lease, the Applicant, as prior lessee, may be required to remove the improvements and restore the lease premises to their original condition. The Applicant has no right to a new lease or to renewal of any previous lease.
2. This action is consistent with the "Meeting Evolving Public Trust Needs" and "Leading Climate Activism" Strategic Focus Areas of the Commission's 2021 – 2025 Strategic Plan.
3. Staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15061 and California Code of Regulations, title 2, section 2905.

## **RECOMMENDED ACTION:**

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It is recommended that the Commission:

### **CEQA FINDING:**

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

### **PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the proposed lease will not substantially impair the public rights to navigation and fishing or substantially interfere with the Public Trust needs and values at this location, at this time, and for the term of the lease; and is in the best interests of the State.

### **AUTHORIZATION:**

Authorize issuance of a General Lease – Public Agency Use to the Applicant beginning August 15, 2024, for a term of 20 years, for the use of an existing bridge; consideration: the public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.